

KANSAS DENTAL BOARD

Notice of Hearing on Proposed Amendment To Administrative Regulation

A public hearing will be conducted at 9:00 a.m. on Friday, May 3, 2013, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed permanent amendment to an administrative regulation of the Kansas Dental Board.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendment. All interested parties may submit written comments prior to the hearing to the Kansas Dental Board, 900 S.W. Jackson, Room 564-S, Topeka, 66612, or by e-mail to Lane.Hemsley@dental.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Lane Hemsley at (785) 296-4690 or Lane.Hemsley@dental.ks.gov. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the north end of the Landon State Office Building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

Copies of the proposed regulation and economic impact statement may be viewed at the following Web site: www.kansas.gov/kdb. A summary of the proposed regulation follows:

71-3-9. Extended care permits. In 2012, the Kansas Legislature amended the Kansas Dental Practices Act to allow the Kansas Dental Board to issue an extended care permit III to a registered dental hygienist. This proposed amendment accounts for the legislative change by adding the extended care permit III to the existing regulation for extended care permits.

71-3-9. Extended care permits. (a) Definitions.

(1) “Extended care permit I” shall mean a permit issued pursuant to K.S.A. 65-1456~~(f)~~, and amendments thereto.

(2) “Extended care permit II” shall mean a permit issued pursuant to K.S.A. 65-1456~~(g)~~, and amendments thereto.

(3) “Extended care permit III” shall mean a permit issued pursuant to K.S.A. 65-1456, and amendments thereto.

(4) “Extended care permit treatment” shall mean the treatment that a hygienist may provide if the hygienist has a valid extended care permit I, extended care permit II, or ~~H~~ extended care permit III.

~~(4)~~ (5) “Patient assessment report” shall mean the report of findings and treatment required by K.S.A. 65-1456~~(f)(6)~~ ~~or (g)(6)~~, and amendments thereto.

~~(5)~~ (6) “Sponsoring dentist” shall mean a dentist who fulfills the requirements of K.S.A. 65-1456~~(f)(3)~~ ~~or (g)(3)~~, and amendments thereto.

(b) Application for permit. Each applicant for an extended care permit I, extended care permit II, or ~~H~~ extended care permit III shall file with the board a completed application on a form provided by the board.

(c) Notice of practice location to sponsoring dentist. Before providing extended care permit treatment at a new location, each hygienist shall inform the sponsoring dentist, orally or in writing, of the new address and the type of procedures to be performed there.

(d) Patient assessment reports.

(1) Each ~~required~~ patient assessment report shall include a description of the extended care permit treatment, the date or dates of treatment, and the hygienist's assessment of the patient's apparent need for further evaluation by a dentist.

(2) No later than 30 days from the date on which extended care permit treatment is completed, the hygienist providing the treatment shall cause the ~~required~~ patient assessment report to be delivered to the sponsoring dentist.

(3) When providing extended care permit treatment at a location operated by an organization with a dental or medical supervisor, the dental hygienist providing the extended care permit treatment shall also cause the ~~required~~ patient assessment report to be delivered to the dental or medical supervisor within 30 days from the date on which the extended care permit treatment is completed.

(e) Suspension of extended care permit treatment. If a hygienist's sponsoring dentist cannot or will not continue to function as a sponsoring dentist, the hygienist shall cease providing extended care permit treatment until the hygienist obtains a written agreement with a replacement sponsoring dentist.

(f) Review of patient assessment reports. A sponsoring dentist shall review each patient assessment report within 30 days of receiving the report. (Authorized by K.S.A. 74-1406(e); implementing K.S.A. ~~2003~~ 2012 Supp. 65-1456; effective Sept. 17, 2004; amended P-
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**KANSAS DENTAL BOARD
ECONOMIC IMPACT STATEMENT
K.A.R. 71-3-9**

1. Summary of Proposed Regulation, Including Its Purpose.

In 2012, the Kansas Legislature amended the Kansas Dental Practices Act to allow the Kansas Dental Board (Board) to issue an extended care permit III to a registered dental hygienist. Prior to 2012, the Board was granted the authority to issue an extended care permit I or extended care permit II. Under K.S.A. 2012 Supp. 65-1456, the Board is now authorized to issue an extended care permit I, extended care permit II, or extended care permit III to a registered dental hygienist. This proposed amendment accounts for the 2012 legislative change by adding the extended care permit III to the Board's existing regulation for extended care permits.

2. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

After the Kansas Legislature amended the Kansas Dental Practices Act to allow the Board to issue an extended care permit III to a registered dental hygienist, the Board determined that its existing regulation pertaining to extended care permits, K.A.R. 71-3-9, required an amendment as well. The regulation is not mandated by federal law and, therefore, the regulation does not exceed the requirements of federal law.

3. Anticipated Economic Impact upon the Kansas Dental Board.

The amount of additional revenue generated for the Board's fee fund would likely be nominal. Currently, the Board assesses a one-time application fee of \$5.00 for each registered dental hygienist who applies for an extended care permit. To date, there are 51 registered dental hygienists that hold an extended care permit I and 92 registered dental hygienists that hold an extended care permit II. Thus, there are 143 registered dental hygienists with an extended care

permit I or extended care permit II. It is unknown how many registered dental hygienists would seek an extended care permit III. Aside from the one-time application fee of \$5.00, there are no long-term fiscal considerations for the Board.

4. Anticipated Economic Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The Board understands that the UMKC School of Dentistry, Division of Dental Hygiene (UMKC), secured a \$10,000 grant from the Kansas Department of Health and Environment to create an extended care permit III training course. Under K.S.A. 2012 Supp. 65-1456, an extended care permit III training course requires Board approval prior to implementation. At the Board's regularly scheduled public meeting on Friday, January 18, 2013, the Board approved UMKC's extended care permit III training course. UMKC established the training course fees, which are based on the format of the course. Students of the training course may opt to take the course for either continuing education credit (\$600) or two college credit hours, the cost of which is determined from applicable tuition schedule rates. The Board anticipates that registered dental hygienists who obtain an extended care permit III will be able to provide additional services for broader swaths of the Kansas citizenry who reside in certain settings (e.g., adult care homes or hospital long-term care units), all of which are anticipated to have a positive economic impact.

5. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

As a result of the Kansas Legislature's amendment to K.S.A. 65-1456, which allows the Board to issue an extended care permit III, no other methods were considered or rejected.